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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,532	03/02/2005	Terry Wayne Lockridge	PU020413	5327

24498 7590 02/22/2008

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EXAMINER	
LEWIS, JONATHAN V	
ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
02/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/526,532	LOCKRIDGE, TERRY WAYNE	
	Examiner	Art Unit	
	Jonathan Lewis	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn et al. (US Pat. No. 5,721,829).

Regarding claim 1 (currently amended), Dunn et al. teaches a method of providing a pause function for a broadcast program in a multi-client network (Abstract), the method comprising: allocating predetermined storage limits in a storage device for a plurality of clients on the network (col. 3, lines 42-51); displaying a broadcast program to a client (col. 2, lines 51-57); receiving a pause request from the client (col. 6, lines 16-25 discloses the pause request is user's request to change to a non-VOD channel); determining if the client's stored broadcast programming has reached the client's predetermined storage limit (col. 3, lines 52-63); pausing the display of the broadcast program if the client's stored broadcast programming has not reached the client's predetermined storage limit (col. 6, lines 39-55); storing the broadcast program in the storage device while the display of the broadcast program is paused (col. 7, lines 43-55); and displaying the stored broadcast program if the client's stored broadcast programming has reached the client's predetermined storage limit (col. 7, line 63 – col. 8, line 10).

Regarding claim 2 (currently amended), Dunn et al. teaches the method of claim 1, further including the steps of: receiving a play request from the client (Fig. 5, step 208); and displaying the stored broadcast program to the client (Fig. 6, step 216).

System claims 7-8 are rejected for the same reasons as stated above in the corresponding method claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-4, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US Pat. No. 5,721,829) in view of Gardner et al. (US Pat. No. 5,583,995).

Regarding claim 3, Dunn et al. teaches all the claim limitations as stated above, except the step of allocating predetermined storage limits for the plurality of clients includes allocating identical storage limits for the plurality of clients.

However, Gardner et al. teaches the step of allocating predetermined storage limits for the plurality of clients includes allocating identical storage limits for the plurality of clients (col. 10, lines 39-54 disclose the allocation of identical, equal, storage limits).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to allocate identical storage limits for multiple clients, in order to equally share bandwidth and avoid network congestion.

Regarding claim 4, Dunn et al. teaches all the claim limitations as stated above, except the step of allocating predetermined storage limits for the plurality of clients includes allocating different storage limits for some of the plurality of clients.

However, Gardner et al. teaches the step of allocating predetermined storage limits for the plurality of clients includes allocating different storage limits for some of the plurality of clients (col. 10, lines 39-54 disclose the allocation of different storage limits if the available bandwidth is different).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to allocate different storage limits for multiple clients, in order to share available bandwidth on the network based on available resources.

System claims 9-10 are rejected for the same reasons as stated above in the corresponding method claims.

Claims 5-6, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US Pat. No. 5,721,829) in view of Gelman et al. (US Pat. No. 5,371,532).

Regarding claim 5, Dunn et al. teaches all the claim limitations as stated above, except the steps of: receiving a rewind request from the client; and permitting the client to rewind through the stored broadcast program if the client's stored broadcast programming has not reached the client's predetermined storage limit.

However, Gelman et al. teaches the steps of: receiving a rewind request from the client (col. 12, lines 27-44); and permitting the client to rewind through the stored

broadcast program if the client's stored broadcast programming has not reached the client's predetermined storage limit (col. 12, lines 27-44).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to allow the user to control the VCR-like functions of rewind and fast-forward of the stored broadcast program, in order to provide the viewer maximum flexibility for viewing the program that he/she has ordered and it gives the user the ability to rewind scenes which they may desire to view again.

Regarding claim 6, Dunn et al. teaches all the claim limitations as stated above, except the step of displaying the stored broadcast programming includes: receiving a fast forward request from the client; fast forwarding through the stored broadcast programming; and permitting the client to pause the display of the program until the client's predetermined storage limit is again reached.

However, Gelman et al. teaches the step of displaying the stored broadcast programming includes: receiving a fast forward request from the client; fast forwarding through the stored broadcast programming (col. 12, lines 27-44); and permitting the client to pause the display of the program until the client's predetermined storage limit is again reached (col. 12, lines 27-44).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to allow the user to control the VCR-like functions of rewind and fast-forward of the stored broadcast program, in order to provide the viewer maximum flexibility for viewing the program that he/she has ordered and it gives the user the ability to fast-forward through undesirable scenes in a program.

System claims 11-12 are rejected for the same reasons as stated above in the corresponding method claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Hooper et al. US Pat. No. 5,422,390

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Lewis whose telephone number is (571) 270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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